(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No. 663 of 2001

Petitioner Samaru S/o Dev Prasad Mowar (Mannewar) aged about 34 years, resident of Village Renkhol, Tahsil Sakti, District Janjgir Champa.

versus

Respondents

1. The State of Chhattisgarh, Through the Secretary Revenue, Mantralay, DK Buildings, Raipur
2. Sub Divisional Officer (R), Sakti, District Janjgir Champa
3. Firat Ram S/o Kariya, aged 50 years, resident of Village Salihabhata, Patwari Halka No.2 Tahsil Sakti, District Janjgir Champa

---

Present : Shri V.R. Tiwari counsel for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the State / respondents No. 1 & 2.

ORAL ORDER
(Passed on 19th April, 2007)

In this petition filed under Articles 226/227 of the Constitution of India, the petitioner calls in question the order passed by the Sub Divisional Officer (Revenue) in Case No. 185/A-23/96-97 dated 29.6.1998. Inasmuch as the petitioner has a right of appeal against the impugned order, without exhausting that remedy the petitioner has rushed to this Court. Therefore, in my opinion, the petition so filed by the petitioner is wholly premature. Accordingly, I decline to entertain this writ petition. However, liberty is reserved to the petitioner, if he so desires, to question the correctness or otherwise of the impugned order passed by the Sub Divisional Officer, before the appropriate forum with a month from today. If the appeal is filed by the petitioner within the time so granted, the appellate authority shall dispose of

the same on its own merits without reference to the period of limitation. All the contentions of the parties are left open.

Sd/-
Chief Justice